

FINAL BILL REPORT

SSB 6527

C 316 L 08

Synopsis as Enacted

Brief Description: Addressing the failure to transfer motor vehicle title and registration.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kastama and Kline).

Senate Committee on Judiciary

House Committee on Public Safety & Emergency Preparedness

Background: A person who purchases a motor vehicle must apply to transfer vehicle ownership and license registration within 15 days following delivery of the vehicle. If the person does not do so, that person will be assessed \$25 for the 16th day, and \$2 each day thereafter, not to exceed \$100. Failure to apply for a transfer of ownership and license registration within 45 days after delivery of the vehicle is a misdemeanor.

In the 2004 case, *State v. Green*, the Washington Supreme Court considered a situation in which police stopped and arrested the defendant for failing to apply for a transfer in vehicle ownership within 45 days. During a search incident to arrest, the police found a small quantity of cocaine in the defendant's purse. The defendant moved to suppress the evidence of drug possession, claiming that the police could not arrest her for a misdemeanor that she did not commit in their presence. The court agreed, reasoning that the defendant's misdemeanor failure to apply for a transfer of ownership within 45 days of vehicle delivery was complete in 45 days, and was therefore not a continuing offense that occurred in the officers' presence, since the 45 days had already elapsed by the time of the stop. Washington law generally requires that a misdemeanor occur within an officer's presence for an officer to make a warrantless arrest, and to make a search incident to that arrest. The court therefore determined that the defendant's arrest was unlawful, and granted her motion to suppress the evidence.

Summary: Failing or neglecting to make application to transfer the certificate of ownership and license registration within 45 days after the vehicle's delivery date is a continuing offense for each day during which the purchaser or transferee does not make such application. It is clarified that despite the continuing nature of this offense, it must be considered a single offense, regardless of the number of days that have elapsed following the 45-day time period.

Votes on Final Passage:

Senate	47	0	
House	79	15	(House amended)
Senate	43	3	(Senate concurred)

Effective: June 12, 2008